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07/24/03  
U.S. PTO

Cust m r Number: 27201

D cket N .: 632-L

Date: July 24, 2003

19704 U.S. PTO  
19704/626325

07/24/03  
Barcode

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s):

STEVEN GEORGE SKINNER  
MATTHEW KY PHUONG  
MARK LYNN PRESTON

Note: A patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41

For:

### METHOD TO REVIVE AND RECONSTITUTE MAJORITY NODE CLUSTERS

Enclosed are:

1. The Papers Required for Filing Date Under 37 CFR 1.53(b):

23 Pages of specification  
1 Pages of Abstract  
6 Pages of claims  
6 Sheets of drawings  
X formal  
       informal

In addition to the above papers, there is also attached: Non-Publication Request.

       Pages of an amendment       

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### CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date, July 24, 2003, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL070486006US Addressed to: Commissioner for Patents , P.O. Box 1450, Alexandria, VA 22313-1450.

Carol A. Wasserman

(Type or print name of person mailing paper)

Carol A. Wasserman

(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).

(Application Transmittal-page 1 of 4)

**2. Declaration or oath**

Enclosed

original

executed by (check all applicable boxes)

inventor(s)

legal representative of inventor(s) 37 CFR 1.42 or 1.43

joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 also attached. See item 7 below for fee.

Not enclosed

NOTE: Where the filing is a completion in the U.S. of an international application under 35 U.S.C. 371(c)(4), the declaration must be filed.

Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above-named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.

NOTE: It is important that all the correct inventor(s) are named for filing under CFR 1.41(c) and 1.53(b).

Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.141(d)).

**3. Language**

English

non-English

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$20.00 required by 37 CFR 1.17(K) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37CFR1.60(b).

A verified English translation of the specification is attached.

**4. Assignment**

An assignment of the invention to UNISYS CORPORATION

**5. Certified Copy**

A certified copy of application(s) from which priority is claimed.

NOTE: Must be referred to in oath or declaration. 37CFR1.55 and 1.63.

**6. Information Disclosure Statement**

Enclosed with Issued Patents: 5,991,524, 6,115,830; 6,163,855; 6,336,171; 6,402,120.

Also attached are (3) Non-Patent Literature Documents authored by Microsoft Corp.

7. **F e Calculati n**

**CLAIMS AS FILED**

Number Filed	Number Extra	Rate	Basic Fee \$750.00
Total Claims -10- -20=	-0- X	\$ 18.00	-0-
Independent Claims -3- -3=	-0- X	\$ 84.00	-0-
Multiple dependent claim(s) if any -0-	-0- X	\$280.00	-0-

Amendment canceling extra claims enclosed  
 Amendment deleting multiple dependencies enclosed  
 Fee for extra claims not being paid at this time

NOTE: If the fees for extra claims are not paid on filing, they must be paid or the claims canceled by amendment prior to the expiration of time period set for response by the Patent and Trademark Office in any notice of fee deficiency.

37 CFR 1.16(d)

Filing Fee Calculation **\$ 750.00**

8. **Small Entity Statement**

verified statement that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is attached.

Filing Fee Calculation (50% of above) **\$ \_\_\_\_\_**

9. **Fee Payment Being Made At This Time**

Not Enclosed

No filing fee is to be paid at this time. This and the surcharge required by 37 CFR 1.6(e) can be paid subsequently.

NOTE: Where the filing is completion in the U.S. of an international application, the fee must be paid.

Enclosed

basic filing fee **\$750.00**

recording assignment **\$ 40.00**

(40.00 37CFR 1.21(h)(j))

petition fee for filing by other than

all the inventors or person on behalf

of the inventor where inventor refused to sign

or cannot be reached. (\$130.00 37 CFR 1.47 and 1.17(h)) **\$ \_\_\_\_\_**

for processing an application with a specification in a non-English language (\$20.00; 37 CFR 1.53(d) and 1.17(k))	\$ _____
processing and retention fee \$100.00; 37 CFR 1.21(l))	\$ _____

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of §1.21(l) within one year from notification under § 53(d) must be paid.

Total fees enclosed	<u>\$790.00</u>
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#### 10. Method of Payment of Fees

check in the amount of \$ \_\_\_\_\_  
 charge Account No. 19-3790 in the amount of \$790.00. A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b)

#### 11. Authorization to Charge Additional Fees

NOTE: If no fees are to be paid on filing, the following items should **not** be completed.

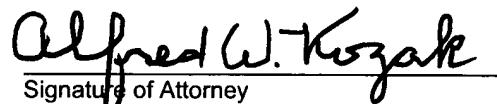
WARNING: If these boxes are to be checked, then accurately count claims, especially multiple dependent claims, to avoid unexpected high charges.

The Commissioner is hereby authorized to charge the following additional fees which may be require to Account No. 19-3790.  
 37 CFR 1.16 (filing fees and presentation of extra claims)  
 37 CFR 1.17 (application processing fees)  
 37 CFR 1.18 (issue fee at or before Mailing of Notice of Allowance, pursuant to 37 CFR 1.31(b)).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application ...prior to pay...issue fee."

#### 12. Instructions As To Overpayment

credit Account No. 19-3790  
 refund

  
 Signature of Attorney

Reg. No. 24,265

Alfred W. Kozak

(Type or print name of attorney)

Tel No. (858) 451-4615  
 or (949) 380-5822

Unisys Corporation  
 10850 Via Frontera, MS 1000  
 San Diego, CA 92127

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	SKINNER, STEVEN GEORGE, et al.
Title	METHOD TO REVIVE AND RECONSTITUTE MAJORITY NODE CLUSTERS
Attorney Docket Number	632-L

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

7/24/03

Date

Alfred W. Kozak

Signature

(858) 451-4615  
or (949) 380-5822

Telephone number

ALFRED W. KOZAK

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.